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20
21 UNITED STATES DISTRICT COURT
22 DISTRICT OF NEVADA

23 ELLEN VIOLA,
24 Plaintiff
25 v.
26 SUN LIFE ASSURANCE COMPANY OF
27 CANADA,
28 Defendant

29 Civil Action No.: 2:16-cv-01322-JAD-CWH

30 **STIPULATION AND JOINT MOTION
31 FOR STAY PENDING REMAND FOR
32 FURTHER CLAIM REVIEW**

33 ECF No. 14

34 Come now the parties and, after conference of counsel, jointly request that the Court
35 stay this matter pending a remand to Defendant for further review of Plaintiff's claim for
36 ERISA long term disability benefits. In support hereof, the parties show the Court as follows:

37 1. This is a suit for long term disability benefits under an ERISA-governed
38 employee benefit plan pursuant to 29 U.S.C. §1132(a)(1)(B). The parties have exchanged
39 initial disclosures and have complied with all deadlines to date.

40 2. During the pendency of this action, the parties have discussed options for
41 potential settlement. Although not able to completely resolve their dispute, the parties have
42 agreed that Defendant will conduct an additional level of review of Plaintiff's claim to take

1 into account updated information. The review process will be conducted in accordance with
2 Department of Labor ERISA claim regulations applicable to appeals of adverse benefit
3 determinations.

4 3. In order to accommodate this additional level of claim review, the parties
5 request that the Court stay this matter subject to the parties filing a joint status report in 90
6 days to inform the Court of the status of the claim review or, if the claim review is completed
7 before that date, the parties will promptly inform the Court if any further action is required.
8 Once the claim review is completed, if there is still a dispute between the parties, the parties
9 will propose new briefing deadlines. If there is no further dispute between the parties once
10 the claim review is completed, then the parties will submit a joint request for dismissal of this
11 action.

12 WHEREFORE, the parties jointly request that the Court stay this action pending a
13 further claim review by Defendant and require the parties to submit a joint status report in 90
14 days or, if the claim review is completed before that date, the parties will promptly inform
15 the Court whether any further action is necessary.

16 DATED: November 28, 2016

LAW OFFICE OF JULIE A. MERSCH

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21 DATED: November 28, 2016

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ORDER

Based on the parties' stipulation [14], IT IS HEREBY ORDERED that **this action is STAYED in its entirety** to permit defendant to conduct further claim review. Once that review is completed, either party may move to lift the stay, informing the court what further action is necessary. Counsel for the parties must appear for a **STATUS CONFERENCE regarding this action on March 6, 2016, at 1:30 p.m.**, before U.S. District Court Judge Jennifer Dorsey, in Courtroom 6D of the Lloyd George Courthouse.

U.S. District Judge Jennifer Dorsey
November 29, 2016

November 29, 2016

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